1	SPENCER P. SCHEER #107750 JOSHUA L. SCHEER #242722 REILLY D. WILKINSON #250086 JONATHAN SEIGEL #168224 SCHEER LAW GROUP, LLP	
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4	155 N. REDWOOD DRIVE, SUITE 100 SAN RAFAEL, CA 94903	
5	Telephone: (415) 491-8900 Facsimile: (415) 491-8910	
6	N.100-259S-A	
7	Attorneys for Secured Creditor CIRCLE BANK	
8	LINUTED STATES DANIEDIDTON COLUT EOD THE	
9	UNITED STATES BANKRUPTCY COURT FOR THE	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	SAN JOSE DVISION	
12	In re:	Bk. No.09-57682 - ASW
13	CRAIG LEWIS ATAIDE,	Chapter 11
14	Debtor.	R.S. No. RDW-247
15		DECLARATION REGARDING BREACH OF ORDER
16		Hearing-Motion for Relief from Automatic Stay
17		Date: December 15, 2009 Time: 2:00 p.m.
18		Place: Bankruptcy Court 280 S 1st St., Courtroom #3020
19		San Jose, CA 95113
20		
21	DECLARATION OF REILLY D. WILKINSON	
22	I, REILLY D. WILKINSON, declare and state:	
23	1. As to the following facts, I know them to be true of my own personal	
24	knowledge, and if called upon to testify in this action, I could and would testify competently to the following facts personally known by me to be true:	
25		
26	2. I am an attorney at law duly licensed to practice in the State of California.	
27	3. I am one of the attorneys of record for CIRCLE BANK, Secured Creditor	
28	of the above-named Debtor ("Lender").	
Cocc		
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- petition trust deed payments owed to Lender and secured by the real property located at 591 East Franklin Street, Monterey, CA 93940, (the "Property"). Payments were to commence in December, 2009.
- 6. In the event that Debtor failed to abide by the terms of the Order, Lender was to serve written notice that a breach had occurred, and that Debtor had ten (10) days to cure said breach.
- 7. On December 20, 2009, my office received a payment in the form of a non certified check in the amount of \$4,500.00. Pursuant to the Order, all payments must be made in certified funds. Therefore, Debtor has failed to submit the regular monthly payment for the month of December.
- 8. Due to Debtor's failure to timely and properly comply with the terms of the Order as set forth hereinabove, Lender has been forced to incur additional attorney's fees to collect the amounts owing. These attorney's fees are in addition to attorney's fees incurred prior to the noncompliance of Debtor.
- 9. Debtor is in breach under the terms of the Order and has ten (10) days to cure. If a late charge becomes due and owing between the time the notice is given and the time the debtor attempts to cure the breach, the cure of the breach must include the additional late charge.

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I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct to the best of my knowledge, information and belief. SCHEER LAW GROUP, LLP DATED: December 31, 2009 /s/ REILLY D. WILKINSON #250086

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SPECIAL NOTICE

THE FOLLOWING NOTICE IS GIVEN TO YOU IN THE EVENT THAT THE FEDERAL FAIR DEBT COLLECTIONS ACT APPLIES TO THIS COMMUNICATION.

The following statement provides you with notice of certain rights which you may have by law. Nothing in this statement modifies or changes the hearing date or response time specified in the attached documents or your need to take legal action to protect your rights in this matter. No provision of the following statement modifies or removes your need to comply with local rules concerning the attached documents.

CONSUMER DISCLOSURE

This communication is made in an attempt to collect on a debt or judgment and any information obtained will be used for that purpose. Please be advised that if you notify CIRCLE BANKs attorneys in writing within 30 days of receipt of this letter that all or a part of your obligation or judgment to CIRCLE BANK is disputed, then CIRCLE BANK's attorneys will mail to you a written verification of the obligations or judgment and the amounts owed to CIRCLE BANK. In addition and upon your written request within 30 days of receipt of this letter, I will provide you with the name and address of the original creditor, if different from the current creditor.

If I do not hear from you within 30 days of receipt of this letter, I will assume that your debt to CIRCLE BANK is valid. Please be advised that the creditor is not obligated to wait 30 days before taking legal action against you.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence 09-57682 Doc# 36 Filed: 12/31/09 Entered: 12/31/09 13:16:10 Page 4 of 5

or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

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